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11 Attorneys for Defendants
12 COMCAST CABLE COMMUNICATIONS LLC
13 and INSIGHT COMMUNICATIONS, INC.

14 UNITED STATES DISTRICT COURT
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16 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION
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In re

ACACIA MEDIA TECHNOLOGIES
CORPORATION

Case No. C-05-01114 JW

**DECLARATION OF DAVID J.
SILBERT IN SUPPORT OF
DEFENDANTS COMCAST CABLE
COMMUNICATIONS LLC
AND INSIGHT COMMUNICATIONS,
INC.'S BILL OF COSTS**

1 I, DAVID J. SILBERT, declare that the following is true:

2 1. I am an attorney licensed to practice before this Court, and a partner in the firm of
3 Keker & Van Nest, LLP, counsel for defendants Comcast Cable Communications LLC and
4 Insight Communications, Inc. in this action. I make this declaration of my own personal
5 knowledge, and if called to do so, would testify to the facts stated hereto under oath.

6 2. On October 23, 2009, Defendants' Motions for Summary Judgment were granted,
7 resulting in a judgment for Defendants Comcast Cable Communications, LLC and Insight
8 Communications, Inc. See Amended Judgment dated November 5, 2009.

9 3. In defending this litigation, and in ultimately prevailing, Comcast Cable
10 Communications, LLC and Insight Communications, Inc. necessarily incurred the costs set forth
11 in the Bill of Costs. The costs detailed therein are accurate, and I believe are allowable by law as
12 described in the Bill of Costs.

13 4. Attached hereto as Exhibit A is a true and correct copy of fees of the clerk.

14 5. Attached hereto as Exhibit B are true and correct copies of invoices for costs
15 associated with depositions taken in this action and reporters' hearing transcripts.

16 6. Attached hereto as Exhibit C are true and correct copies of costs for
17 exemplification and copies prepared by Ikon, Keker & Van Nest's in-house photocopying
18 service. Defendants Comcast Cable Communications, LLC and Insight Communications, Inc.
19 incurred a total of \$9,548.18 in copying costs. These costs were billed separately from our legal
20 fees, at the rate of either \$.10 or \$.15 per copy made.

21 7. Attached hereto as Exhibit D are true and correct copies of invoices incurred from
22 court-appointed expert Rainer W. Schulz.

23 I declare under penalty of perjury that the foregoing is true and correct, and that this
24 declaration was executed on November 6, 2009 in San Francisco, California.

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By: /s/ David J. Silbert
DAVID J. SILBERT